IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
Income Tax Application No.57 of 2002

The Commissioner of Income Tax ... Applicant
v/s.
M/s.Hindustan Petroleum Corporation Ltd. .. ... Respondents

Mr.Shiv Motoria for applicant.
Mr.J.D.Mistry for respondents.

CORAM : H.L. GOKHALE &
V.R. KINGAONKAR, JJ.

DATED : 24th July 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The Income Tax Tribunal, vide its order dated 1st February 2001, had dismissed the Reference Application made by the petitioner. The reference was sought with respect to the assessment made for the year 1989-90. The Assessing Officer had granted the deduction in favour of the respondent under Section 80-I of the Income Tax Act, 1961. This is following an earlier decision of the Tribunal in favour of the assesee for the Assessment Year 1984-85. The deduction had been granted to the Bombay Refinery as well as the Vishakapatnam Refinery. The submission of the Revenue is that the Marketing Division would be treated as separately. Section

80-I of the Income Tax Act refers to any profits and gains derived from an industrial undertaking. Manufacturing, processing and the marketing are part of the industrial undertaking. One cannot separate and deny the benefit of deduction to the Marketing Division. There is no question of law involved. Application is rejected.

(H.L. GOKHALE, J.)

(V.R. KINGAONKAR, J.)